

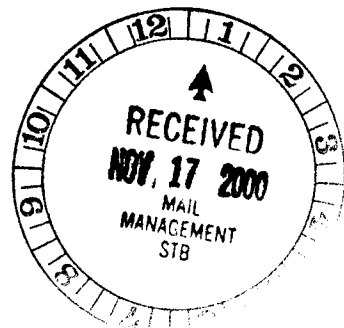
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AMALGAMATED TRANSIT UNION

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(202) 537-1645 FAX (202) 244-7824

November 16, 2000

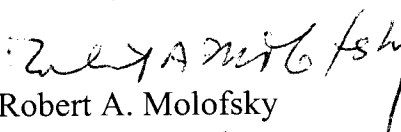


Surface Transportation Board
Office of the Secretary
Case Control Unit
Attn: STB Ex Parte No. 582 (Sub-No. 1)
1925 K Street, NW
Washington, DC 20423-0001

Dear Mr. Secretary:

Enclosed please find the comments of the Amalgamated Transit Union with regard to STB Ex Parte No. 582 (Sub-No.1), the Notice of Proposed Rulemaking on modifications to STB regulations governing proposals for major rail consolidations.

Sincerely,


Robert A. Molofsky
General Counsel

Encls.

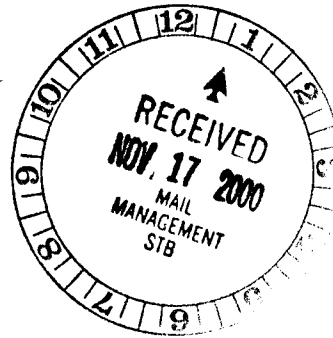
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Office of the Secretary

NOV 17 2000

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**COMMENTS OF THE AMALGAMATED TRANSIT UNION
BEFORE THE SURFACE TRANSPORTATION BOARD**



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Office of the Secretary

STB Ex Parte No. 582 (Sub-No.1)

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Notice of Proposed Rulemaking

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Public Report**

MAJOR RAIL CONSOLIDATION PROCEDURES

November 16, 2000

The Amalgamated Transit Union (ATU) is pleased to present comments in response to the Surface Transportation Board's October 3, 2000 publication of a Notice of Proposed Rulemaking on modifications to its regulations at 49 CFR Part 1180, governing proposals for major rail consolidations.

About ATU

ATU is the largest labor organization representing transit workers in the United States and Canada. Founded in 1892, the ATU today is comprised of over 170,000 members in 270 local unions spread across 46 states and nine provinces. Our members work for both public and private transit service providers in a wide range of urban, suburban, and rural settings, providing rail, fixed route bus, paratransit, school bus, intercity, and other specialized services to our nation's citizens.

Comments

As a large percentage of the nation's public transportation industry uses the track or right-of-way of various freight railroads throughout North America, it is appropriate that the mergers and consolidation rules proposed by STB address the issue of passenger rail disruption. Due to the shrinking railroad network left to serve an increasing level of passengers served by commuter rail operators, proposed mergers have the potential to negatively impact commuter rail operations.

In some cases, the passenger rail industry has experienced service disruptions resulting from more distant centralized dispatch centers. Also, other consolidation concerns have been raised in connection with the replacement of freight personnel who have been trained to provide commuter services on behalf of commuter authorities through so called purchase of service agreements.

Accordingly, we submit that the STB must consider the impacts of mergers on existing and future rail passenger services as a key factor in its determination of the merger itself. Any potential adverse impacts to rail passenger operations -- especially those concerning safety and reliability -- should be weighed, as a public policy issue, in the decision as to whether or not to approve any merger.

In approving consolidations, the proposed rules do make reference to the need to preserve commuter rail operations where there is a sufficient public need for continued service. However, the definition of **essential existing service** under the proposed rules should go beyond the consideration of whether alternative transportation is available. Rather, in such cases, STB must be directed to consider the significant long-term planning and financial commitments that local communities across the U.S. have made to include passenger rail service as part of the solution to their mobility challenges. Once those decisions are made, the existing passenger rail service indeed becomes essential to the economic vitality of the public at large by serving critical mobility needs, and by creating jobs in the community as well as within commuter rail authorities themselves. **The final rule should then include language stating that all existing passenger rail service should be considered to be essential in communities that have wisely invested their resources in necessary public transportation infrastructure.** Further, the standard of sufficient public need and whether or not alternative transportation is available fails to take into consideration the issues of congestion, environmental concerns, and whether or not such alternative transportation is affordable.

Finally, as the proposed rule includes language that would require the Board to provide adequate protection to freight rail employees who would be affected by a consolidation, it should require similar guarantees for passenger and commuter rail employees, who may be affected by the mergers. Equally important, potential adverse impacts on safety should also be addressed prior to any final decision. Overall, STB should maintain a strong oversight role to protect the interests of commuter rail passengers and personnel.

ATU appreciates the opportunity to comment on the proposed rules. For further information, please contact the ATU at (202) 537-1645.

CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of the foregoing Comments of the Amalgamated Transit Union In Response To Notice Of Proposed Rulemaking in Ex Parte No. 582 (Sub. No. 1) Major Rail Consolidations to be served by First Class Mail on all persons listed on the service list for this proceeding.

11/17/00
Date

Robert A. Molofsky
Robert A. Molofsky

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